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PART 24. LOCAL HEALTH DEPARTMENTS > § 333.2453. **Epidemic control; determination; emergency order and procedures; emergency procedures not limited to code; involuntary detention and treatment of persons with hazardous communicable disease.**

Citation: **mcl 333.2226**

Section: **MCLS § 333.2453**

MCLS § 333.2453

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CHAPTER 333 HEALTH
PUBLIC HEALTH CODE
ARTICLE 2. ADMINISTRATION
PART 24. LOCAL HEALTH DEPARTMENTS

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MCLS § 333.2453 (2004)

MCL § 333.2453

§ 333.2453. Epidemic control; determination; emergency order and procedures; emergency procedures not limited to code; involuntary detention and treatment of persons with hazardous communicable disease.

Sec. 2453. (1) If a local health officer determines that control of an epidemic is necessary to protect the public health, the local health officer may issue an emergency order to prohibit the gathering of people for any purpose and may establish procedures to be followed by persons, including a local governmental entity, during the epidemic to insure continuation of essential public health services and enforcement of health laws. Emergency procedures shall not be limited to this code.

(2) A local health department or the department may provide for the involuntary detention and treatment of individuals with hazardous communicable disease in the manner prescribed in sections 5201 to 5238.

HISTORY: Act 368, 1978, p 865; eff September 30, 1978.

Pub Acts 1978, No. 368, § 2453, eff September 30, 1978.

Former Acts.

Former §§ 67.47 , 325.9 , 327.151 , 329.1-329.7 contained substantially similar subject matter as this section.

NOTES:

Statutory references:

Sections 5201-5238, above referred to, are §§ 333.5201-333.5238 .

Michigan Digest references:

Health § 13

Municipal Corporations §§ 41.50, 212

LEXIS Publishing Michigan analytical references:

Michigan Law and Practice, Public Health and Welfare § 6

Legal periodicals:

Limitations imposed by federal Constitution on right of states to enact quarantine laws,
2 Harv L Rev 267, 293.

CASE NOTES

It is not an abuse of discretion for local board to require vaccination of pupils in public schools as condition of admission thereto. People ex rel. Hill v Board of Education (1923) 224 Mich 388, 195 NW 95.

The Public Health Code does not authorize licensed emergency medical services personnel to detain an individual suspected of carrying a communicable disease, such as severe acute respiratory syndrome (SARS) or smallpox; only a local health department and the Michigan Department of Community Health are authorized to seek an order of the circuit court to detain individuals suspected of carrying communicable diseases, and except in the case of an emergency where a 72-hour hold is permitted, such an order is subject to notice and an opportunity for a hearing. Similarly, neither the Public Health Code nor the Fire Prevention Code authorize the commanding officer of the fire department of a city, village, township, or county, or a firefighter in uniform acting under the orders and directions of the commanding officer, to detain an individual suspected of carrying a communicable disease. Op Atty Gen, Oct. 6, 2003, No. 7141.

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